

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

NORTH CAROLINA STATE)
CONFERENCE OF THE NAACP, et al.,)

Plaintiffs,)

v.)

PATRICK LLOYD McCRORY, in his)
official capacity as Governor of North)
Carolina, et al.,)

Defendants.)

Case No. 1:13CV658

LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, et al.,)

Plaintiffs,)

v.)

THE STATE OF NORTH CAROLINA, et)
al.,)

Defendants.)

Case No. 1:13CV660

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

THE STATE OF NORTH CAROLINA, et)
al.,)

Defendants.)

Case No. 1:13CV861

**LWV PLAINTIFFS' NOTICE
OF FILING STATE COURT
RULING AND ADVISORY ON
TRIAL SCHEDULING**

Plaintiffs the League of Women Voters of North Carolina, et al., (hereinafter, "LWV Plaintiffs") in Case No. 1:13-CV-660 hereby file with this Court the order on cross motions for judgment on the pleadings in *Currie, et al v. N.C., et al.*, Orange County Superior Court No. 13-CVS-1419 ("*Currie*") (Attachment A). The order was filed on Tuesday, February 24, 2015, but was not received by the parties in the mail until Friday, February 27th, 2015.

In that order, Judge Morgan denied the motions for judgment on the pleadings as to almost all claims, meaning that until any ruling on subsequent dispositive motions, the case is currently set to proceed to trial as scheduled on July 13, 2015. For the reasons listed below and discussed at the telephonic hearing on February 6, 2015, this Court should schedule trial in the above-captioned matter to begin either July 27, 2015 (allowing 3 weeks for trial in this case) or August 4, 2015 (allowing 2 weeks for trial):

1. Conducting both trials this summer is reasonable and necessary. It is reasonable because of the *Currie* parties' agreement that any discovery conducted in the federal lawsuit can be used for discovery and trial purposes in the state action. The parties' agreement on sharing discovery in the *Currie* matter will result in less discovery and greater efficiency in the state case's one week trial period. And while the evidence in the state court case will not be identical to the federal case, there will be overlap.

Thus, Defendants will not be dealing with a completely different factual record than in the federal case, and the preparations needed for both trials will be quite similar.

2. Conducting both trials this summer is necessary because of Defendants' arguments to the Fourth Circuit that decisions changing election laws close to an election are dangerous, cause voter confusion, and may be contrary to Supreme Court precedent. *Brief of Appellees*, Doc. 56, 14-1845, at 5; *see also*, *Defendants Fourth Circuit Oral Argument*, 44:45-45:07, available at: <http://coop.ca4.uscourts.gov/OAarchive/mp3/14-1845-20140925.mp3> (“The Supreme Court in the *Purcell* case in 2006 noted that there is a particularly high hurdle [sic] that needs to be considered when election laws are at issue, because the closer we get to an election, the more likelihood there is that changing the rules can cause voter confusion.”) The final order in this case will likely be appealed regardless of outcome, and appeals are likely in the state court matter as well. Both a July 2015 master calendar trial in this action and the one-week July state court trial must take place as scheduled to avoid *Purcell* concerns before the presidential preference primary, which will likely take place as early as February 2016.

A July 27th or August 4th start date for trial in this case would allow the

parties in both actions to litigate their claims in time to obtain relief before the 2016 primary election and would be in the best interest of North Carolina voters and election administrators.

Dated: March 2, 2015

Respectfully submitted,

By: /s/ Allison J. Riggs

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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2015, I served the foregoing document with the Clerk of Court using the CM/ECF system in case numbers 1:13-cv-658, 1:13-cv-660, and 1:13-cv-861, which on the same date sent notification of the filing to the following:

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